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EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 09/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/316,430

Applicant(s)

KATZ, RONALD A. 

Examiner

Yogesh C Garg

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2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002 and 30 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This paper number 11 is in response to the applicant's CPA paper number 6, received on February 13, 2002 and letter received by facsimile on April 30, 2002. The CPA and the above -cited letter contain no amendments. Claims 17-34 are currently pending for examination.

Response to Arguments

2. Applicant's arguments filed on April 30, 2002 have been fully considered but they are not persuasive.

With reference to the applicant's remarks (pg.2, lines 6-10) that the limitation "*how to determine which network members are to receive said request for proposal based upon filter conditions set up by the network buyer in said request for proposal or by the central processing unit in accordance with pre-established conditions*" in '328 patent is accomplished by selectivity logic 47 (Figure 2; page 24, line 18 and page 33, line 20) is not persuasive. Use of Selectivity logic 47 of FIG.2 in the application is defined to prevent information overload between buyers and sellers. The application nowhere teaches that the selectivity logic 47 is a filter means to filter requests for proposal based upon filter conditions set up by network buyer in said request for proposal or by the central processing unit in accordance with pre-established conditions as claimed in '328 patent. It is significant to note that the pre-established filter conditions in '328 patent are related to the class of vendors in terms of geographical location, quantity, language spoken, currency, special conditions of sale, and the like. Selectivity logic does not do that.

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The passages A-E as indicated on page 2 of the applicant's response do not support the limitation of filter means in '328 patent.

Examples in A, " Routing.....plural groups" and "Calls.....proposals" on page 7, lines 9-11 do not establish the fact that there is a filter means as claimed in '328 patent. Routing of offers and responses is being done with already selected or known buyers who are designated persons for buying a particular category of product (s) in a company (pg.12, line 14- pg.13, line 1) along with scheduling of appointments. Filter means to filter the request for proposals, as per pre-established conditions, is not disclosed.

The term "qualified or registered entities" in example B, relates to the access of the system by qualified or approved buyers or vendors but in no way it demonstrates the use of filter means to filter the request for proposals as per pre-established conditions. Access to the system is being controlled by using PIN numbers as stated in the application (pg.17, lines 15-34).

In example C, " Requests may be offered in sequence to individual (subsets) (pg.8, line 8) " relates to randomly selecting subsets of buyers in view of limited availability of number of communication lines (pg.7, lines 28-28-33) and nowhere it suggest use of filter means to filter the request for proposals as per pre-established conditions as claimed in '328 patent.

In example D, " buyer requests for proposals on select merchandise are transmitted only to vendors designated to sell the merchandise (page 12, lines 14-29)" teaches selecting transmission of communications between designated buyers and designated sellers. Note: The application does not disclose use of any filter means to select vendors to receive the request for proposal based upon the pre-established filter conditions either by the buyer or the central processing unit.

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Again in example E, the autodialer helps the buyer to select transmission of communication to a already selected or designated buyer who is not shown using a filter means to select a vendor based upon pre-established conditions.

With regards to the applicant's remarks (pg.2, line 27-pg.3, line 26) that the language of '328 patent in col.5, lines 17-36 describes the operation described in the application is not persuasive. In '328 patent the meaning of the language in col.5, lines 17-36 is to be understood in the context of the invention's objectives defined earlier (see '328 patent, col.2, lines 35-col.3, lines 4, Figs 2A, 4-8, wherein it is clear that the selection of vendors is done on receipt of request for proposal in a single select (see FIG.5) using a filter means as demonstrated in FIG.2A ("The quotation system processes.....meet the filter requirements"), FIG.4 ("Filter Criteria"), FIG.6 (selection of new vendor if vendor not found in the list as per the pre-established means), FIG.7 ("Buyer's filter conditions" and "Vendor's filter qualifications"). This is nowhere demonstrated in the application, though language may resemble. The language "Likewise, buyers requests for proposals on select merchandise are transmitted only to vendors designated to sell the merchandise" in Application, on page 12, lines 27-29 is to be read in context of "the present system facilitates selective transmission of communications...between individual buyers.....vendor groups or sub-groups" (see application, on page 12, lines 21-24). The objective of the system in the application is to facilitate selection of transmission of communications between already designated individual buyers and vendors to prevent information overload and do not teach the use of filter means to determine vendors to whom the request for proposal should be sent on pre-established filter conditions as claimed in '328 patent.

With reference to the applicant's remarks regarding "Merchandising codes" in the application (pg.18, line 34-pg.19, line 9), they regulate communication and avoid information

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overload by indicating the type of products that each particular vendor or buyer is authorized to sell or buy instead of acting as a filter means to filter the list of buyers or vendors, on receipt of a request for proposal, per pre-established conditions by the buyer. Application teaches that the buyers and vendors are already designated to whom the communications are to be addressed and does not disclose the use of filter means to filter the list of vendors or buyers per pre-established conditions.

With reference to claim 32, applicant's remarks regarding buyer filtering are not persuasive as analyzed above. Also, page 7, lines 17 -26 of the application do not disclose "filtering said RFPs so that only sellers meeting a first set of filter conditions, and filtering said quotes so that only quotes meeting additional filter conditions are sent to a buyer requesting said quotes", as specified in claim 32. Page 7, line 17 discloses inhibiting calls revealing one vendor's proposal to a competitor and lines 18-26 disclose sellers broadcasting a special offering to interested buyers without receiving a request for quote from a buyer who has filtered the request for proposal before sending it to the vendor. The application teaches that the vendors and buyers are already designated to transmit and receive calls for scheduling appointments and offerings but do not use a filter means to filter the requests or offers at the time of receipt of request for proposal or at the time of sending an offer as per pre-established conditions.

In view of the foregoing, rejection of claims 17-34 is still maintained.

Final Rejection

Claim Rejections - 35 USC § 112

3. Claims 17-34 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regards to claim 17, the sections of the specification " p.6, lines 9-17, p.8, lines 14-16, p.12, lines 21-29 and p.23, lines 17-20- on page 13" do disclose selective members, but those sections do not describe *how to determine which network members are to receive said request for proposal based upon filter conditions set up by the network buyer in said request for proposal or by the central processing unit in accordance with pre-established conditions*. These sections of specification do not say how the selection is performed or what information and conditions are used to determine the selection of vendors as well as of buyers.

With regards to claim 19, the sections of the specification " p.6, lines 9-17, p.8, lines 14-16, p.12, lines 21-29 and p.23, lines 17-20" on page 16 -do disclose selective members, but those sections do not describe *how to select one or more appropriate vendors to be sent the buyer's request for proposal based upon filter conditions, set by the buyer, vendor and the network software*. These sections of specification do not say how the selection is performed or what information and conditions are used and who establishes those conditions to determine the selection of vendors as well as of buyers.

With regards to claim 20, the sections of the specification " p.6, lines 9-17, p.8, lines 14-16, p.12, lines 21-29 and p.23, lines 17-20- on pages 17-18 " do disclose selective members, but those sections do not describe means for *engaging unspecified vendor terminals*

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and for filtering said requests to determine with which vendor terminals said requests should be matched. These sections of specification limit the engagement to selective members of plural or subgroups only, which is contrary to the claimed invention of engaging unspecified vendor terminals. Further, these sections of the specification do not disclose how the selection is performed or what information and conditions are used to determine matching of vendor terminals with said requests.

With regards to claim 28, sections of the specification "p.6, lines 9-17, p.8, lines 14-16, p.12, lines 21-29 and p.23, lines 17-20" do disclose selective members, but those sections do not teach *filtering, at said filter means, the at least one request in order to ascertain a set of sellers potentially capable of supplying said goods or services.* These sections of specification do not talk about the filtering, at the time of receipt of the request for proposal, to select vendors who are capable of supplying the said goods or services.

With regards to claim 32, sections of the specification - p.6, lines 9-17, p.8, lines 14-16, p.12, lines 21-29 and p.23, lines 17-20, p. 44 line32-p.45 line1- on pages 24-25 do disclose selective members, but those sections do not teach *filtering said RFPs so that only sellers meeting a first set of filter conditions receive said RFPs and accepting quotes from sellers meeting said first set of filter conditions, and filtering said quotes so that only quotes meeting additional filter conditions are sent to a buyer requesting said quotes.* These sections of specifications do not disclose what are the first filter conditions and additional filter conditions and how the selection of sellers is performed by filtering using first set of filtering conditions and again filtering of the quotes against additional filter conditions so that quotes which meet additional filter conditions only are sent to the buyer requesting said quote.

Note that dependent claims 18, 21-27, 29-31 and 33-34 inherit the same deficiency as parent claims and are accordingly rejected.

Claim Rejections - 35 USC § 102

4. Claims 20-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Spiegelhoff et al. (US Patent number 5, 742, 931).

Note: In light of the above 35 U.S.C. 112 first paragraph rejection, the filter limitations of claim 20 *for engaging unspecified vendor terminals and for filtering said requests to determine with which vendor terminals said requests should be matched* are not supported by the specification. Thus only the limitations of claims 20-27 that are supported by the specification are being considered for examination.

Regarding claim 20, Spiegelhoff teaches a computerized system for engaging in transactions over a data network, said computerized system (col.3 line 62 to col.4 line 2, " ...a computerized system is provided..." and col.4 lines 61-63, " Computer 22.... and will be electronically connected.... via modem, to the computers 24, 26,....) comprising:

a plurality of terminals, at least one of which being designated a requestor and others of which are designated vendor terminals (col.3 lines 62-65 and fig.1, " ..an input request from the orderer.....selected wholesalers....". Note: Examiner has interpreted the orderer and the wholesales in the reference as buyer and vendors respectively.);

filter and broadcast means (col.2 lines 23-39, "means for obtaining the informationfromthe warehouses.....by the means (i), and for selecting ...warehouses based on a predetermined criterion....) for receiving, over said data network, requests from said requestor to engage in transactions with unspecified vendor terminals (col.5 lines 25-28, "being linked to the computers of.....warehouses... ..receiving input requests....", and col.4 lines 54-60, " ...first computer 22connected... computer 24....computers 26,28....secondary

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warehouses 1,2 and "n"....". Note: Computer 22 refers to central computer system and elements 24,26,28, 30...the warehouses to unspecified vendor terminals.), and for filtering said requests to determine with which vendor terminals said requests should be matched (col.9 line 21 to col.12 line 25-the headings and contents under " Edit warehouse Routine", " Edit Freight/Rebate Charges Routine", and " Activate/ Deactivate Warehouse Routine" describing the filtering means and conditions. Note: Refer to subroutine 162 –col.9 lines 45-49, fig.7- for adding new warehouses and subroutine 180-col.10 lines 17-27, fig.8-for deleting warehouses as per the updated information on the warehouses-col.9 lines24-33. Refer routine 62, in fig.3 which permits to activate those warehouses only which can deliver items in the required time period and fulfill other reasons-col.11 line55-col.12 line 7.); and

means for matching said requests with vendor terminals which meet predetermined filter conditions for generating quotes (col. 3 lines 1-7, " ...obtaining information about an item from....warehouses.....to deliver the items based on a predetermined criterion" and col.9 line 21 to col.12 line 25-the headings and contents under " Edit warehouse Routine", " Edit Freight/Rebate Charges Routine", and " Activate/ Deactivate Warehouse Routine" describing the filtering means and conditions. Note: Refer to subroutine 162 –col.9 lines 45-49, fig.7- for adding new warehouses and subroutine 180-col.10 lines 17-27, fig.8-for deleting warehouses as per the updated information on the warehouses-col.9 lines24-33. Refer routine 62, in fig.3 which permits to activate those warehouses only which can deliver items in the required time period and fulfill other reasons-col.11 line55-col.12 line 7.) from information contained in a database associated with said vendor terminals (col.5 lines 35-38, " ...computers of ...warehouses....storing a great deal of information...."), and for accepting said quotes from said vendor terminal, wherein the central database contains information that is insufficient to consummate the transaction (col.5 lines 16-24, " Data transfer...controlled by retailer's

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computer 22....transmission of data from the computer 22 to....24....30 ... and extraction of data from ...24...30 to computer 22". Examiner has interpreted the retailer's computer 22's function that of the central computer and it does not contain sufficient information to consummate the transaction but it has to extract the data from vendor computers 24, 26, 28, 30.).

Regarding claim 21, Spiegelhoff discloses means for communicating responses from said vendor terminals to said filter and broadcast means (col. 5 lines 16-24, "...computer 22 is electronically linked.....computers 24,26...to permit information to be conveyed back and forth between computer 22 and the warehouse computers...". Here warehouse pertains to the vendor and retailer computer to filter and broadcast means.) and means at said filter and broadcast means for communicating a selected set of said response to said requestor (col. 3 lines 1-7, "obtaining information about an item fromwarehousesselecting, via the first computer, oneat least two warehouses to deliver the item.....". Here, the first computer relates to filter and broadcast means and warehouses to vendor terminals. Further, it will be inherent in the system to deliver the items to the orderer (in the reference), who relates to the requestor.)

Regarding claim 22, Spiegelhoff teaches said transaction is a purchase and wherein the purchase may comprise a plurality of items (col.4 lines 2-5, "...systemordering each of a high number of items....).

Regarding claim 23, Spiegelhoff discloses means for establishing communications between said filter and broadcast means and said vendor terminals which meet said filter conditions; and means for determining whether a quote for said transaction from a particular vendor terminal meeting said filter conditions should be sent to said requestor (col. 2 lines 20-39, ".....means for obtaining the information from..... the warehousesmeans for evaluating

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the information.....and for selecting one ofwarehouses....based on a predetermined criterion...).

Regarding claims 24-26, Spiegelhoff further suggests that said communications can be continuous or periodic (col. 4 line 61 to col. 5 line 2, "electronically connected ...via modem.....orvia diskette, hard copy, or any other mechanism for communication.") and initiated by said vendor terminal (col. 5 lines 16-20, " computer 22 is electronically linked..... 24,26,28....permit information to be conveyed back and forth between computer 22 and ..warehouse computers.").

Regarding claim 27, Spiegelhoff also discloses means for automatically notifying a buyer when particular items meeting specified conditions become available from a seller (col. 2 lines 23-39, " ...the system include means....for conveying information about items to the orderer... .means for evaluating the information....selecting... warehousesbased on a predetermined condition....).

5. Claims 28 and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Shavit et al. (US Patent number 4,799, 156) hereinafter referred to as Shavit.

Note: In light of the above 35 U.S.C. 112 first paragraph rejection, the filter limitations of claim 28 *for filtering, at said filter means, the at least one request in order to ascertain a set of sellers potentially capable of supplying said goods or services* are not supported by the specification. Thus only the limitations of claims 28 and 30-31 that are supported by the specification are being considered for examination.

Regarding claim 28, Shavit teaches a method of purchasing goods or services over a network (see abstract) comprising the steps of:

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communicating, over said data network, to a filter means (col. 2 lines 20-36, "a system is provided for interactive on-line electronic communications and processing of business transactions between....a plurality of sellers and a plurality of buyers....and a selected one of the plurality of sellers wherein one party to the transaction specially selects the other party ...". Note: system 50 relates to filter means.), at least one request for a proposal from a potential buyer of said goods or services (col. 13 line 10, " A buyer may enter...one or more RFQs');

filtering, at said filter means, the at least one request in order to ascertain a set of sellers potentially capable of supplying said goods or services (col. 2 lines 25-36, " ... access means for interactive on-line transactions between one of the plurality of buyers and a selected one of the plurality of sellers.....specifically selects the other party..". Note: specifically selection of a party to the transaction relates to filtering to ascertain a set of sellers for supplying said goods or services. Shavit discloses that the transaction can take between more than two different users- col.2 lines 33-36- that is between a buyer and more than one sellers.); and

obtaining, from at least one of said potential sellers over a data network, quotes to supply said goods or services, and forwarding said quotes to said potential buyer (col.15 line 61-col.16 line 10, " ..system transmits RFQ to a supplier..receive...a structured bidding file...it is communicated to the distributor's terminal..". Note: distributor relates to buyer. Also see col.16 lines 54-60, "shipped can inter..RFQ..submit to one or more subscribing carriers.....bid can be received immediately...or shortly after), wherein at least part of the quote information is stored at a location remote from said filter means (col5. lines 20-42, " The system 50 permits users...buyers,sellers,at remote sites to conduct business transactions and communicate with databases.....from a variety of remote terminals...". Note: system 50 relates to filter means and seller's terminal a remote location from filter means.).

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Regarding claim 30, Shavit discloses the step of each seller contacting said filter means at predetermined intervals and supplying bids in response to any requests for proposal that have arrived at said filtering means (col.6 line 62-col.7 line1, " ,,,system 50 supports for batch communications.....buyers and sellerscommunications with the mailbox owner may be done periodically and on a batch basis....") and that was determined, by the filter means, to be a request for proposal for goods or services which said each seller is potentially capable of supplying (col. 2 lines 25-36, " ...access means for interactive on-line transactions between one of the plurality of buyers and a selected one of the plurality of sellers.....specifically selects the other party..". Note: specifically selection of a party to the transaction relates to filtering to ascertain a set of sellers for supplying said goods or services. Shavit discloses that the transaction can take between more than two different users-col.2 lines 33-36- that is between a buyer and more than one sellers.).

Regarding claim 31, Shavit further discloses the step of automatically and periodically supplying the filter means (col. 7 lines 43-46, "Communications....interactivea continuous flow ...or batch involving periodic transfer of information or transaction...,"), with information sufficient to assemble a bid and sending the bid to said potential buyer via e-mail (col. 11 lines 52-67, " the buyer is advised about any outstanding incoming mail....incoming bids.....bids, shipping advisories ..transferred to the user's computer...").

Claim Rejections - 35 USC § 103

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit (US Patent number 4,799, 156) in view of Amix (Feder, Judith, " Beyond the Metaphor: AMIX

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Builds an Electronic Marketplace”, Electronic Services Update, Oct, 1990, Link Resources Corporation, New York), hereinafter referred to as Amix.

Note: In light of the above 35 U.S.C. 112 first paragraph rejection, the limitations of claims 17 and 19 *how to determine which network members are to receive said request for proposal based upon filter conditions set up by the network buyer in said request for proposal or by the central processing unit in accordance with pre-established conditions and how to select one or more appropriate vendors to be sent the buyer's request for proposal based upon filter conditions, set by the buyer, vendor and the network software* respectively are not supported by the specification. Thus only the limitations of claims 17-19 that are supported by the specification are being considered for examination.

Regarding claims 17 –18, Shavit teaches a computerized system for forming a computer based communications network of network members inclusive of network buyers and or network vendors for processing requests for proposal for goods and services through at least one central processing unit (col. 5 lines 15-65, figs. 1 and 2, “ ...market management system 50...” is related to central processing unit including:

operating system software for controlling the central processing unit (col.2 lines 9-15, “ ..to provide a novel ...processing system permitting controlled on-line ...electronic access....operational and commercial information.....”), said network members being remotely located from said central processing unit and connected thereto via a communications channel (col.5 lines 15-65, “....system 50 permits users.....at remote sites....and communicate....), the central processing unit being coupled to a storage means containing identification of the network members (see abstract, “ ...system includes a data base which contains user information.....validation procedure to permit business transactions....);

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means for network buyers to generate request for proposal for goods and/or services (col. 12 lines 58-60, " ... distributor's menu may present.....request for quotation (RFQ)....." here distributor relates to buyer of goods from supplier, and col.15 lines 4-6, "....distributor's computer application...generate. ...RFQs',....);

means for transmitting said request for proposal to said central processing unit (col.7 lines 55-57, " ..incoming requests for quotation (RFQ) from ...customer..." and col. 15 lines 4-11, " ..the system 50 receives a transaction from one computer..." , transaction here refers to RFQ);

means for broadcasting said request for proposal to the network members (col. 15 lines 63-64, " ...system transmits an RFQ to a supplier.....);

means for responding to the generator of said request with either a response from the selected network members (col. 15 lines 45-47, " ...system 50..allows the supplier to provide its customers with an on-line interactive sales service providing immediate quotations... information. ") or with a list of said selected members for said generator of said request to establish independent communication (col. 6 lines 39-43, " This also permits the system 50 to provide buyersreliable and consistent way of reaching multiple sources).

Additionally, Shavit teaches that the said network members communicate via an on-line computer service through said central processing system (col.5 lines 39-65, " ... The communication links 74a-8i may be of any of a wide variety of network services, such as public telephone networks,.....).

Shavit does not teach filter means for filtering the network members in said storage means to determine which network members are to receive said request for proposal or by the central processing unit in accordance with pre-established conditions. However, in the same field of endeavor, Amix teaches filter means for filtering the network members in said storage

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means to determine which network members are to receive said request for proposal based upon filter conditions set up by the network buyer in said request for proposal or by the central processing unit in accordance with pre-established conditions (page 2 paras 5-6, " A listing of experts in the given market.Experts listings are enhanced by a profile, references....other items which may help to qualify them. In addition, buyers may contribute their own comments Solicitations may be sent to every expert.....limited according to buyer preference...", and page 3 para 4, "Access to qualified buyers". Here experts relate to vendors or suppliers. Amix teaches explicitly filtering of experts that is vendors or suppliers establishing filter conditions like using references, lists of published works, and other items. Amix also discloses that experts can be limited by buyer's preference as well. The solicitations or requests for proposal are sent to qualified experts.). It would have been obvious for an ordinary person of skill in the art at the time of invention to use the concept of filtering the vendors as per pre-established conditions by the buyer or the central processing unit as stated in Amix to provide expertise to the buyers in carrying out effective screening of the vendors. The inclusion of filter means to screen the vendors in the Shavit's art would have improvised the interactive on-line electronic system between buyers and sellers to a more cost effective and faster system.

Regarding claim 19, Shavit teaches a method for processing requests for proposals for goods and/or services from a party representing a buyer or supplier of goods and/or services through a computerized system forming a computer based communications network of network members for linking buyers to suppliers with the computerized system having at least one central processing unit including operating system software (col. 5 lines 15-65, figs. 1 and 2, "). Market management system 50...." is related to central processing unit) containing the identification of the network members (see abstract, " ...system includes a data base which

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contains user information.....validation procedure to permit business transactions...”), wherein the method comprises the steps of:

receiving a buyer’s request for proposal over a communication network (col.7 lines 55-57, “ ..incoming requests for quotation (RFQ) from ...customer...” and col. 15 lines 4-11, “ ..the system 50 receives a transaction from one computer....”, transaction here refers to RFQ);

transmitting the buyer’s request for proposal separately to said selected vendors over said communications network (col. 15 lines 63-64, “ ...system transmits an RFQ to a supplier.....); and

with said selected vendors communicating their proposals either directly to the buyer (col. 15 lines 45-47, “ ...system 50..allows the supplier to provide its customers with an on-line interactive sales service providing immediate quotations...information.”) or to the computerized system which in turn transmits said received proposals to the requesting buyer (col. 14 line 63 to col.15 line 17, “ ...suppliers can be expectedwith the system 50 over an on-line communications line ...customers to interact with them through the system.....).

Shavit does not teach selecting one or more appropriate vendors to be sent the buyer’s request for proposal based upon filter conditions, set by the buyer, vendor and the network software. However, in the same field of endeavor, Amix teaches selecting one or more appropriate vendors to be sent the buyer’s request for proposal based upon filter conditions, set by the buyer, vendor and the network software (page2 paras 5-6, “ A listing of experts in the given market.Experts listings are enhanced by a profile, references....other items which may help to qualify them. In addition, buyers may contribute their own comments..... Solicitations may be sent to every expert.....limited according to buyer preference...” also see page 3 para 4, “Access to qualified buyers”, and page 3 para 8, “ Effective screening. Qualifying buyers is as important as qualifying sellers, experts have increased freedom...to

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respond, ...or decline queries". Here experts relate to vendors or suppliers. Amix teaches explicitly filtering of experts that is vendors or suppliers establishing filter conditions like using references, lists of published works, and other items as well as buyers. Amix also discloses that experts can be limited by buyer's preference. The solicitations or requests for proposal are sent to qualified experts and experts that is vendors can either respond or decline to quote based upon screening of the buyers.). It would have been obvious for an ordinary person of skill in the art at the time of invention to use the concept of filtering the vendors or buyers as per pre-established conditions by the buyers and vendors respectively or the central processing unit as stated in Amix in order to provide expertise to the buyers and sellers to carry out effective screening of vendors and buyers. The inclusion of filter means to screen the vendors in the Shavit's art would have improvised the interactive on-line electronic system between buyers and sellers to a more cost effective and faster system.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit as applied to claim 28 above, and further in view of Amix.

Note: In light of the above 35 U.S.C. 112 first paragraph rejection, the limitations of claim 28 *for filtering, at said filter means, the at least one request in order to ascertain a set of sellers potentially capable of supplying said goods or services* are not supported by the specification. Thus only the limitations of claims 29 that are supported by the specification are being considered for examination.

Regarding claim 29, Shavit does not teach the step of accepting filtering conditions from the said potential buyer, and utilizing said filtering conditions in said step of filtering to determine a subset of potentially capable sellers. However, in the same field of endeavor, Amix teaches the step of accepting filtering conditions from the said potential buyer, and utilizing said filtering

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conditions in said step of filtering to determine a subset of potentially capable sellers (page2 paras 5-6, " A listing of experts in the given market.Experts listings are enhanced by a profile, references....other items which may help to qualify them. In addition, buyers may contribute their own comments.....Solicitations may be sent to every expert.....limited according to buyer preference..." also see page 3 para 4, "Access to qualified buyers", and page 3 para 8, " Effective screening. Qualifying buyers is as important as qualifying sellers, experts have increased freedom...to respond,or decline queries". Here experts relate to vendors or suppliers. Amix teaches explicitly filtering of experts that is vendors or suppliers establishing filter conditions like using references, lists of published works, and other items as well as buyers. Amix also discloses that experts can be limited by buyer's preference. The solicitations or requests for proposal are sent to qualified experts and experts that is vendors can either respond or decline to quote based upon screening of the buyers.). It would have been obvious for an ordinary person of skill in the art at the time of invention to use the concept of filtering the vendors as per pre-established conditions by the buyers as stated in Amix in order to provide expertise to the buyers in carrying out effective screening of vendors. The inclusion of screening of vendors, as per the conditions established by the buyer, in the Shavit's art would have improvised the interactive on-line electronic system between buyers and sellers to a more cost effective and faster system.

8. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit (US Patent number 4,799, 156) in view of Amix (Feder, Judith, " Beyond the Metaphor: AMIX Builds an Electronic Marketplace", Electronic Services Update, Oct, 1990, Link Resources Corporation, New York), hereinafter referred to as Amix.

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Note: In light of the above 35 U.S.C. 112 first paragraph rejection, the limitations of claim 32 for *filtering said RFPs so that only sellers meeting a first set of filter conditions receive said RFPs and accepting quotes from sellers meeting said first set of filter conditions, and filtering said quotes so that only quotes meeting additional filter conditions are sent to a buyer requesting said quotes* are not supported by the specification. Thus only the limitations of claims 32-34 that are supported by the specifications are being considered for examination.

Regarding claim 32, Shavit teaches a method of matching buyers of goods and services with sellers of goods and services over a data network (col. 5 lines 15-65, figs. 1 and 2) comprising the steps of:

communicating, from buyers to a central processing unit, requests for proposals (RFPs) (col. 7 lines 55-57, " ..incoming requests for quotation (RFQ) from ... customer..." and col. 15 lines 4-11, " ..the system 50 receives a transaction from one computer..." , transaction here refers to RFQ); and

transmitting, to remotely located seller databases, RFPs (col. 15 lines 63-64, " ... system transmits an RFQ to a supplier....." and col. 6 lines 39-43, " This also permits the system 50 to provide buyers with a reliablemultiple sources to shop...").

Shavit does not teach filtering said RFPs so that only sellers meeting a first set of filter conditions receive said RFPs; and accepting quotes from sellers meeting said first set of filter conditions, and filtering said quotes so that only quotes meeting additional filter conditions are sent to a buyer requesting said quotes. However, in the same field of endeavor, Amix teaches filtering said RFPs so that only sellers meeting a first set of filter conditions receive said RFPs; and accepting quotes from sellers meeting said first set of filter conditions, and filtering said quotes so that only quotes meeting additional filter conditions are sent to a buyer requesting said quotes (p.2 paras 5-6, " A listing of experts in the given market.Experts listings are

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enhanced by a profile, references....other items which may help to qualify them. In addition, buyers may contribute their own comments..... Solicitations may be sent to every expert.....limited according to buyer preference..." also see page 3 para 4, "Access to qualified buyers", and page 3 para 8, "Effective screening. Qualifying buyers is as important as qualifying sellers, experts have increased freedom...to respond,or decline queries". Here experts relate to vendors or suppliers. Amix teaches explicitly filtering of experts, that is vendors, establishing filter conditions like using references, lists of published works, and other items as well as buyers. Amix also discloses that experts can be limited by buyer's preference. The solicitations or requests for proposal are sent to qualified experts and experts that is vendors can either respond or decline to quote based upon screening of the buyers.). It would have been obvious for an ordinary person of skill in the art at the time of invention to use the concept of filtering the vendors or buyers as per pre-established conditions by the buyers and vendors respectively or the central processing unit as stated in Amix in order to provide expertise to the buyers and sellers carrying out effective screening of vendors and buyers. The inclusion of filter means to screen the vendors and buyers in the Shavit's art would have improvised the interactive on-line electronic system between buyers and sellers to a more cost effective and efficient system.

With reference to claims 33 and 34, Shavit does not teach wherein said filter conditions are determined by said vendor or said filter means. However, in the same field of endeavor, Amix teaches said filter conditions are determined by said vendor (page 1, para 4, ".....How do buyers and sellers locate and qualify one another?) or said filter means (page 3 para 8, "Effective screening. Qualifying buyers is as important as qualifying sellers, experts have increased freedom...to respond,or decline queries"). It would have been obvious for an ordinary person of skill in the art at the time of invention to use the concept of filtering buyers as

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per pre-established conditions by vendors or the filter means. Here the filter means refer to Amix the market making service. As stated in Amix in order to provide expertise and guidelines to the sellers effective screening of buyers is a must, the inclusion of filter means to screen the buyers in the Shavit's art would have improvised the interactive on-line electronic system between buyers and sellers to a more cost effective and efficient system.

Conclusion

9. This is a Continued Prosecution Application (CPA) of applicant's earlier Application No. 09/316430. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yogesh C Garg
Examiner
Art Unit 3625

YCG
May 6, 2002


WYNN COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100